THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.3082 OF 2006

DATED: 20.02.2006

BETWEEN:

Jalumuri Venkata Raja Rao and 3 others

.....Petitioners

and

The Municipal Corporation of Kakinada and another

... Respondents

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.3082 OF 2006

ORDER:

The petitioners seek a writ of Mandamus declaring the impugned action of the respondents in widening the roads by demolishing the buildings bearing D.Nos.33-1-24, 20-1-27, 7-2-33/1 and 26-1-17 and 18, Main Road, Kakinada, East Godavari District without following the due process of law as illegal.

It is submitted that for the purpose of widening of the road, the respondents without following the due process of law prescribed therein either

under Section 146 or 147 of the Municipal Corporation Act, seeking to dispossess the petitioners from the portion of their land and dismantle the buildings situated therein.

Having regard to the facts and circumstances of the case, I am of the opinion that if the said lands or buildings are required for the purpose of road widening which is in the public interest, the same can be taken by following the due process prescribed under law.

Accordingly, the writ petition is disposed of directing the respondents not to dispossess or demolish the portion of the houses of the petitioners' without following the due process of law, either by way of private negotiations or by initiating the proceedings under Land Acquisition Act as contemplated under Section 146 or 147 of the Municipal Corporation Act. No costs.

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V.ESWARAIAH,J

Dated:20-02-2006

kvrm